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MPH TECHNOLOGIES OY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND COURTHOUSE

MPH TECHNOLOGIES OY,

Plaintiff,

v.

APPLE INC.,

Defendant.

CASE NO. 4:18-cv-05935-PJH

Judge Phyllis J. Hamilton

**FIFTH JOINT NOTICE OF STATUS OF
PETITIONS FOR *INTER PARTES*
REVIEW**

1 Pursuant to the Court's April 26, 2019 Order Staying Case Pending IPR and Vacating
2 Hearing (Dkt. No. 49), this case was stayed pending final resolution of the eight inter partes
3 reviews (IPRs) that Apple had filed as of April 26, 2019. The parties jointly submit this notice to
4 inform the Court of the status of those IPRs that have not yet been finally resolved. Of the eight
5 IPRs filed, only six were instituted and, thus, those two non-instituted IPRs have been finally
6 resolved.

7 As detailed in the parties' May 11, 2021 notice regarding the status of Apple's IPR petitions
8 (Dkt. No. 55), Apple filed notices of appeal to the Federal Circuit from all six of the instituted
9 IPRs that reached a final written decision (on United States Patent Nos. 7,620,810, 7,937,581,
10 8,037,302, 9,712,494, 9,712,502 and 9,838,362) before the Patent Trial and Appeal Board (PTAB),
11 and Plaintiff MPH Technologies Oy filed notices of cross-appeal from four of those decisions (on
12 United States Patent Nos. 7,620,810, 7,937,581, 9,712,494, and 9,712,502).

13 MPH voluntarily dismissed its cross-appeals in July and August 2021, and the parties
14 completed all briefing on Apple's appeals by October 2021. Oral arguments were held in
15 December 2021 (Appeal Nos. 2021-1387, Consolidated Appeal Nos. 2021-1355 and 2021-1356)
16 and January 2022 (Consolidated Appeal Nos. 2021-1532, 2021-1533, and 2021-1534). Oral
17 argument on all appeals has been completed.

18 On January 25, 2022, the Federal Circuit issued an opinion and judgment affirming the
19 PTAB's final written decision holding that Apple failed to demonstrate that claims 1-16 of MPH's
20 U.S. Patent No. 8,037,302 are unpatentable (Appeal No. 2021-1387). The parties are still awaiting
21 decisions from the Federal Circuit on the remaining pending appeals.
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1 Dated: March 1, 2022

Respectfully submitted,

2 /s/ Ashley E. LaValley

3 Attorneys for Plaintiff
4 MPH TECHNOLOGIES OY

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Respectfully submitted,

12 /s/ Bitra Rahebi

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ATTESTATION CLAUSE

I, Ashley E. LaValley, am the ECF user whose identification and password are being used in this filing. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Bitra Rahebi of Morrison & Foerster LLP has concurred in the filing of this document.

Dated: March 1, 2022

/s/ Ashley E. LaValley